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| 10/077,081 | 02/15/2002 | Michael D. Jordan | B01-74 | 5234 |

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EXAMINER

GORDON, RAEANN

| | |
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| ART UNIT | PAPER NUMBER |
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3711

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/077,081

Applicant(s)

JORDAN, MICHAEL D.

Examiner

Raeann Gorden

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,7-17,35-46,48-50 and 52-73 is/are pending in the application.
4a) Of the above claim(s) 2,3,64 and 68-73 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,7-17,35-46,48-50,52-63 and 65-67 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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DETAILED ACTION

Claim Objections

Claim 67 is objected to because of the following informalities: depends from a withdrawn claim. Appropriate correction is required.

Claim 67 will be examined as if depends from claim 66.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims are rejected under 35 U.S.C. 103(a) as obvious over Kennedy III, et al (6,325,731) in view of Bellinger et al (6,306,968). Regarding claim 1, Kennedy discloses a golf ball comprising a core, an inner cover layer (applicant's moisture vapor barrier), and an outer cover. The inner cover layer may be made from non-ionic materials (col. 14). The moisture vapor rate for the inner cover layer is lower than the cover since applicant claims similar materials disclosed by Kennedy in view of Bellinger. Regarding claims 7-9, Kennedy discloses the inner cover layer material may be a non-ionic material but does not give specific examples. Bellinger teaches an inner cover layer made from at least one terpolymer. The terpolymer has an acid content from 1 to 20% (col. 6). Regarding claims 10-13, Bellinger gives examples of

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terpolymers with a melt flow index of 5 and 20 g/10 min (col. 7). Regarding claims 14-16, Kennedy discloses the thickness of the inner cover layer is from 0.01 to 0.10 inch (col. 7). Regarding claim 17, the method of making the layers does not appear to further limit the structure, see MPEP 2113. Regarding claims 35-39, Kennedy discloses a golf ball comprising a core, an inner cover layer (applicant's moisture vapor barrier), and an outer cover. The inner cover layer may be made from non-ionomeric materials (col. 14). The moisture vapor rate for the inner cover layer is lower than the cover since applicant claims similar materials disclosed by Kennedy in view of Bellinger. Kennedy discloses the inner cover layer material may be a non-ionomeric material but does not give specific examples. Bellinger teaches an inner cover layer made from at least one terpolymer. Bellinger gives examples of terpolymers with a melt flow index of 5 and 20 g/10 min (col. 7). Regarding claims 40-42, Kennedy discloses the thickness of the inner cover layer is from 0.01 to 0.10 inch (col. 7). Regarding claim 43, the method of making the layers does not appear to further limit the structure, see MPEP 2113. Regarding claim 44, Kennedy discloses a core made from polybutadiene. Regarding claim 45, the polybutadiene has a Mooney viscosity from 45 to 60 (col. 24). Regarding claim 46, the core has a compression of 90 or less (col. 22). Regarding claims 49 and 50, Kennedy discloses the outer cover may be made from a thermoset polyurethane (col. 21). Regarding claims 52-54, since Kenndy in view of Bellinger discloses the inner cover material the moisture vapor rate is obvious. Regarding claims 55 and 56, Bellinger gives examples of terpolymers with a melt flow index of 5 and 20 g/10 min (col. 7). Regarding claim 57, Bellinger teaches an inner cover layer made from at least one

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terpolymer. The terpolymer has an acid content from 1 to 20% (col. 6). Regarding claim 58, Bellinger teaches a density for the material of 0.950 (table 2). Regarding claim 59, Kennedy discloses the inner cover layer has a Shore D hardness of 60 or more. Regarding claims 60 and 62, Bellinger discloses the non-ionic composition may include at least one non-ionic terpolymer (col. 6). Regarding claim 61, Bellinger discloses the composition includes 10 to 99% terpolymer (col. 7). Regarding claims 63 and 65, Bellinger gives examples of terpolymers including ethylene and acrylic or methacrylic acid (cols. 6-7). Regarding claims 66 and 67, Bellinger discloses the non-ionic composition may include at least one non-ionic terpolymer (col. 6). One of ordinary skill in the art would have included the composition of Bellinger in the golf ball of Kennedy for the desired properties.

Claim 48 is rejected under 35 U.S.C. 103(a) as obvious over Kennedy III, et al (6,325,731) in view of Bellinger et al (6,306,968) and further in view of Egashira (2,252,652). Kennedy in view of Bellinger discloses the invention as shown above but fails to disclose pentachlorothiophenol in the core. However, Egashira teaches zinc pentachlorothiophenol in the core. One of ordinary skill in the art would have added the pentachlorothiophenol for enhanced resiliency.

Response to Arguments

Applicant's arguments with respect to claims 1, 7-17, 35-46, 48-50, 52-63, and 65-67 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raeann Gorden whose telephone number is 571-272-4409. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rg
December 23, 2004



RAEANN GORDEN
PRIMARY EXAMINER